

1  
2  
3  
4  
5  
6  
7  
8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA  
11

12                  JEANEE HENSON,

13                  Plaintiff,

14                  v.

15                  NATIONAL GENERAL INSURANCE et  
16                  al.,

17                  Defendants.

18                  CASE NO. 3:23-cv-05842-DGE  
19  
20                  ORDER TO SHOW CAUSE

21  
22         This matter comes before the Court on its own review of the record. This case was  
23         removed from the Pierce County Superior Court by Defendants. Defendants assert removal is  
24         proper because there is complete diversity of citizenship between Plaintiff and Defendants. (Dkt.  
25         No. 1 at 2.) The removal notice asserts Defendant Steve Mendoza is a resident of California, but  
26         does not identify his state of citizenship. (*Id.* at 5.) As the Ninth Circuit has explained:

27  
28         [T]he diversity jurisdiction statute, 28 U.S.C. § 1332, speaks of citizenship, not of  
29         residency. To be a citizen of a state, a natural person must first be a citizen of the  
30         United States. The natural person's state citizenship is then determined by her state  
31         of domicile, not her state of residence. A person's domicile is her permanent home,  
32         where she resides with the intention to remain or to which she intends to return. A  
33  
34

1 person residing in a given state is not necessarily domiciled there, and thus is not  
2 necessarily a citizen of that state.

3       *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001) (internal citations  
4 omitted). The removal petition has improperly alleged the residence of one of the defendants  
5 rather than his citizenship. *See e.g. E. Bay L. v. Ford Motor Co.*, No. 13-17280, 2015 WL  
6 13926922, at \*1 (9th Cir. May 15, 2015) (Diverse residency is not sufficient to establish  
7 diversity jurisdiction).

8       Federal courts are courts of limited jurisdiction, having subject matter jurisdiction only  
9 over matters authorized by the Constitution and statute. *See U.S. Const. art. III, § 2, cl. 1;*  
10 *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Article III, § 2 of the  
11 Constitution and the federal diversity statute, 28 U.S.C. § 1332(a), give federal district courts  
12 jurisdiction “over cases between ‘citizens of different States,’ and ‘over cases between citizens of  
13 a State’ and ‘citizens or subjects of a foreign state.’” *Cresswell v. Sullivan & Cromwell*, 922 F.2d  
14 60, 68 (2d Cir.1990).

15       “The diversity jurisdiction statute, as construed for nearly 200 years, requires that to  
16 bring a diversity case in federal court ... each plaintiff must be diverse from each defendant.”  
17 *Lee v. Am. Nat'l Ins. Co.*, 260 F.3d 997, 1004 (9th Cir. 2001). Failure to meet the requirements  
18 of the diversity statute for each defendant destroys “complete diversity,” “rendering the entire  
19 case beyond the federal court's power to decide.” *Id.* at 1005. “Absent unusual circumstances, a  
20 party seeking to invoke diversity jurisdiction should be able to allege affirmatively the actual  
21 citizenship of the relevant parties.” *Kanter*, 265 F.3d at 857.

22       Accordingly, Defendants are ordered to show cause, no later than October 9, 2023 why  
23 this case should not be remanded to the Pierce County Superior Court for failure to identify the  
24 citizenship of the parties.

1 Dated this 26th day of September, 2023.

2  
3  
4



5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

David G. Estudillo  
United States District Judge